

REMARKS

A communication mailed on April 15, 2008, indicated that the submission filed on November 29, 2007, was not fully responsive to the prior Office Action mailed on May 29, 2007. An amendment responsive to the May 29, 2007, Office Communication was filed on July 15, 2008.

In the Office Action of May 29, 2007, the claims were rejected in view of U.S. Patent No. 5,582,579, issued to Chism et al. (hereinafter "Chism"); U.S. Patent No. 3,084,459, issued to Colman (hereinafter "Colman"); U.S. Patent No. 6,981,294, issued to Edwards (hereinafter "Edwards"); U.S. Patent No. 6,984,195, issued to Phillips (hereinafter "Phillips"); U.S. Patent No. 1,748,607, issued to Jarrett (hereinafter "Jarrett"); U.S. Patent No. 1,104,357, issued to Hassel (hereinafter "Hassel"); and U.S. Patent No. 6,044,497, issued to Richardson (hereinafter "Richardson").

The amendments set forth above and the comments set forth below are supplemental to the amendment and response filed on July 15, 2008. Claims 1, 5, 7, 8, 28, and 30-41 are currently pending. Claims 1, 7, 35, and 37 have been amended to more particularly point out and distinctly claim aspects of the present application. Claims 30-31, 33, 36, and 38-41 have been canceled.

Applicant thanks the Examiner for taking time on September 4, 2008, to participate in a telephone interview. The interview was conducted in regards to the amendment and response filed on July 15, 2008. Participating in the interview was Examiner Hwang and applicant's representative, Margie Aoki. One aspect of the interview was directed to Claim 1, and specifically, the allegedly indefinite language "the inner layer having a relatively high coefficient of friction" and "an outer layer having a relatively low coefficient of friction." To expedite prosecution of the application, Claim 1 has been amended to clarify the scope of the claim and to

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better define the coefficient of friction of the inner and outer layers. For at least the same reasons set forth in the response filed on July 15, 2008, applicant respectfully submits that Claim 1 is in condition for allowance.

Another aspect of the interview was directed to the tether assembly of previously presented Claims 30-33 and 35-38. The Examiner acknowledged that such a tether assembly appears to be missing from the prior art. Claim 35 has been amended to further define the tether assembly over the prior art references. More specifically, Claim 35 has been amended to recite a tether assembly that "includes at least one tether that passes through the flexible cover and encircles a small portion of the flexible cover to bunch up the flexible cover and define an area of reduced width of the flexible cover." Claim 1 has been amended to include similar language. Claims 29-31, 33, 36, and 38 have been canceled.

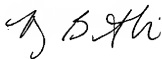
Applicant respectfully submits that none of the cited references disclose a tether assembly as recited in amended Claims 1 and 35. Rather, Chism discloses an orthopedic device 10 having a flexible wraparound style boot 12, Edwards discloses a carpet slide having a first member 11 preferably formed from a flexible sheet of plastic material, Phillips discloses a piece of low friction durable stick-on sheeting, Colman discloses a shoe covering having a sole portion 11 and an upper portion 12, and Richardson discloses a half sock. Jarrett and Hassel disclose sheets of material that are adapted to be folded around the feet. None of the above references discloses a tether assembly that includes at least one tether that passes through the flexible cover and encircles a small portion of the flexible cover to bunch up the flexible cover and define an area of reduced width of the flexible cover.

CONCLUSION

Applicant respectfully submits that Claim 1 and 35, as well as their associated dependent claims are in condition for allowance. The Examiner is encouraged to telephone the undersigned with any remaining questions.

Respectfully submitted,

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